

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-13 are pending in the present application, Claims 1, 12, and 13 having been amended. Support for the amendments to Claims 1, 12, and 13 is found, for example, in Fig. 1 and in the specification at page 19, lines 3-5. Accordingly, Applicants respectfully submit that no new matter is added by the present amendment.

In the outstanding Office Action, Claims 1, 2, 9, 12, and 13 were rejected under 35 U.S.C. §102(e) as anticipated by Craft et al. (U.S. Patent Publication No. 2002/0150243, hereinafter Craft); Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as unpatentable over Craft in view of Anderson et al. (U.S. Publication No. 2004/0139018, hereinafter Anderson); Claims 5, 7, and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Craft in view of Fishman et al. (U.S. Patent Publication No. 2003/0017826, hereinafter Fishman); Claim 6 was rejected under 35 U.S.C. §103(a) as unpatentable over Craft in view of Fishman, and further in view of Dwork (U.S. Patent No. 5,539,826, hereinafter Dwork); Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over Craft in view of White et al. (U.S. Patent Publication No. 2003/0227934, hereinafter White); and Claim 11 was rejected under 35 U.S.C. §103(a) as unpatentable over Craft in view of Menard (U.S. Patent Publication No. 2003/0001743).

With respect to the rejection of Claim 1 as anticipated by Craft, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, "...the value entity usable as a charge in electronic procurement...and transferring means for transferring the value entity to conduct electronic procurement through the ad hoc network to a device external to the communication terminal by use of the application when the verifying means successfully verifies the application."

A non-limiting embodiment of the claimed invention is shown in Fig. 1 of the present application. As shown in Fig. 1, portable terminal 20 acquires a value entity and a public key from value providing server 10. The value entity is usable as a charge in electronic procurement. Portable terminal 20 also receives an application and private key from store sever 30 through an ad hoc network. The portable terminal 20 acquires the application for electronic procurement, and uses the application to achieve support on a purchase of a desired commodity or service for a charge of the value entity.¹ The portable terminal 20 transfers the value entity to conduct electronic procurement through the ad hoc network to store server 30. The shop server 30 acquires, from the portable terminal, a value entity utilized for electronic procurement, as consideration of a commodity or service.² Furthermore, the specification describes an example of electronic procurement where a user makes a purchase from a coffee shop, where the value entity is transmitted a server of the coffee shop in consideration for a beverage.³

The outstanding Office Action, in the Response to Arguments section, states that “examiner interpreted ‘value entity’ to be a content that was paid for by the user.” The outstanding Office Action also states “the entity downloaded is a movie or song.”⁴ Applicant respectfully submits that the amendment to Claim 1 more clearly describes what is meant by “value entity.” As clarified by the present amendment, the “value entity” is usable as a charge in electronic procurement. The value entity is not the application code and/or content data (i.e., a movie or song file) that was paid for. Craft does not disclose or suggest that the downloaded application code and/or content data is usable as a charge in electronic procurement.

¹ Specification, page 19, lines 23-26.

² Specification, page 20, lines 7-10.

³ Specification, pages 35 to 38.

⁴ Office Action, pages 2-3.

Furthermore, the outstanding Office Action states that the claimed transferring is interpreted as transferring the downloaded movie or song from a memory to the application for execution.⁵ However, as the amendment to Claim 1 clarifies, a transferring means transfers the value entity to conduct electronic procurement through an ad hoc network to a device external to the communication terminal. The downloaded application code and/or content data disclosed in Craft is not the value entity for the reasons stated above.


Furthermore, Craft does not disclose or suggest transferring a value entity for electronic procurement when the when the application is verified successfully, as claimed.

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and Claims 2-11 dependent thereon) patentably distinguish over Craft. In addition, amended Claims 12 and 13 are similar to amended Claim 1. Thus, Applicants respectfully submit that amended Claims 12 and 13 patentably distinguish over Craft for at least the reasons stated for amended Claim 1.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Joseph Wrkich
Registration No. 53,796

Scott A. McKeown
Registration No. 42,868

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\JW\245395US\245395US_AM DUE 5-8-06.DOC

⁵ Office Action, page 3.